

Hon. Richard A. Jones  
Hon. J Richard Creatura

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

El PAPEL LLC, *et al.*,

Plaintiffs,

vs.

BRUCE HARRELL, *et al.*,

Defendants.

No. 2:20-cv-01323-RAJ-JRC

(PROPOSED) ORDER MODIFYING  
REPORT AND RECOMMENDATION  
AND ADOPTING REPORT AND  
RECOMMENDATION AS MODIFIED

The Court, having reviewed the report and recommendation of Magistrate Judge J. Richard Creatura, the objections to the report and recommendation, the City of Seattle's Supplemental Cross-Motion for Summary Judgment Re Mootness and Motion to Modify Report and Recommendation ("Supplemental Motion"), and subsequent pleadings, finds and ORDERS:

(1) The City's Supplemental Motion (Dkt. 162) is granted. Based on changed circumstances since the report and recommendation was issued, the Court modifies the report and recommendation to provide that Plaintiffs' requests for injunctive and declaratory relief as to the City's eviction moratorium should be dismissed as moot, and dismisses those requests as moot.

1 (2) In response to Defendant Robert W. Ferguson’s objections to the report and  
2 recommendation, the Court modifies the report and recommendation to provide that Plaintiffs’  
3 request for declaratory relief as to the State moratorium should be dismissed as moot, and  
4 dismisses that request as moot.

5 (3) The Court clarifies the report and recommendation as follows:

6 at page 27, line 9, the reference to “six months after” should say “one year after”;

7 at page 30, line 9, the phrase “something other than financial hardship caused by  
8 COVID-19” should be truncated to read “something other than financial  
9 hardship”; and

10 in footnote 10, the phrase “the Court does not address the parties’ arguments  
11 regarding whether the leases are a substantial impairment to contracts” should be  
12 modified to refer to “eviction restrictions” rather than “leases.”

13 (4) Plaintiffs’ objections to the report and recommendation are denied.

14 (5) The Court adopts the report and recommendation as modified by paragraphs (1) – (3).

15 (6) Subject to the modifications in paragraphs (1) – (3), Defendants’ cross-motions for  
16 summary judgment (Dkts. 103, 104; *see also* Dkt. 110) are granted, Plaintiffs’ cross-motion for  
17 summary judgment (Dkt. 93) is denied, and this matter is dismissed with prejudice.

18 (7) The Clerk is directed to send a copy of this Order to Hon. J. Richard Creatura.

19 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

20  
21 \_\_\_\_\_  
22 RICHARD A. JONES  
23 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 ANN DAVISON

3 Seattle City Attorney

4 By: /s/ Jeffrey S. Weber, WSBA #24496

/s/ Roger D. Wynne, WSBA #23399

5 /s/ Erica R. Franklin, WSBA #43477

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9 *Assistant City Attorneys for Defendants City of Seattle and*

10 *Bruce Harrell, in his official capacity as the Mayor of the City of Seattle*